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09/971,779	10/04/2001	Johnnie R. Crean	ALFALE.031CP1	2523

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[REDACTED] EXAMINER

GUTMAN, HILARY L

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

3612

DATE MAILED: 04/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/971,779	Applicant(s) Crean
Examiner Hilary Gutman	Art Unit 3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Feb 3, 2003
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.
- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on Feb 3, 2003 is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) Other: _____

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DETAILED ACTION

Drawings

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 2/3/2003 have been acknowledged and approved by the examiner.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitations "inner surfaces" in line 2 and "adjoining side and rear coach panels" in line 2. There is insufficient antecedent basis for these limitations in the claim. It should be noted that "a rear coach panel" was previously recited in claim 1 and it is unclear whether the "rear coach panel" of claim 5 is meant to be the same as that of claim 1 or a different panel.

Claim 6 recites the limitations "inner surfaces" in line 2 and "adjoining side and rear coach panels" in line 2. There is insufficient antecedent basis for these limitations in the claim. It should

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be noted that "a rear coach panel" was previously recited in claim 1 and it is unclear whether the "rear coach panel" of claim 6 is meant to be the same as that of claim 1 or a different panel.

Claim 7 recites the limitations "inner surfaces" in line 2 and "interior trim panels" in line 3. There is insufficient antecedent basis for these limitations in the claim. Specifically, "inner surfaces" and "interior trim panels" were both previously recited in claim 6.

Claim 8 recites the limitations "coach panels" in line 2, "at least two adjoining surfaces" in lines 2-3, "interior trim panels" in line 3, "each adjoining coach panel" in line 3, and "the adjoining interior trim panels" in lines 3-4. There is insufficient antecedent basis for these limitations in the claim.

Claim 9 recites the limitation "rear structural panels" in lines 8-9. There is insufficient antecedent basis for this limitation in the claim. Specifically, it is unclear whether these "rear structural panels" are meant to be the same as the "structural panels" of line 1 or different "structural panels".

Claim 14 recites the limitations "structural panel" and "interior trim panel" in line 2. There is insufficient antecedent basis for these limitations in the claim.

Claim 15 recites the limitations "structural panels" and "interior trim panels" in line 2. There is insufficient antecedent basis for these limitations in the claim.

Claim 16 recites the limitations "adjoining structural panels" in line 2, "adjoining interior trim panels" in line 2, "adjoining structural panel" in line 3, and "adjoining interior trim panels" in line 3. There is insufficient antecedent basis for these limitations in the claim.

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Claim 17 recites the limitations "inner surfaces" in line 2 and "adjoining rear and roof coach panels" in line 2. There is insufficient antecedent basis for these limitations in the claim. Specifically, an inner surface of a rear coach panel was previously recited in claim 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-10, and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillick et al. '545 in view of Schoenbachler et al. and Browne.

For claim 1, Gillick et al. '545 disclose a heating, ventilation, and air-conditioning (HVAC) system 38B (Figure 11) for a mobile vehicle having an interior area enclosed by interconnected coach panels 31, the hvac system comprising: a furnace unit and an air-conditioning unit 118 wherein the furnace and air-conditioning units are adapted to be positioned below a floor 24 of the interior area of the vehicle; a common air intake 119, 121 directing air from the interior area to the furnace and the air-conditioning units. Gillick et al. '545 further comprise a single outlet duct 30 and at least one register 34, 35 (Figures 5 and 13) in communication with the outlet duct 30 directing air from the hvac system into the interior area of

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the mobile vehicle. The coach panels 31 comprise a plurality of vertical walls 22, 23 as well as a roof 25, 41, 42.

For claim 9, Gillick et al. '545 disclose a mobile vehicle (Figure 11) having structural panels and interior trim panels, the mobile vehicle comprising: a frame defining a floor plane 24; an HVAC system 38B wherein the majority of the weight of the HVAC system is positioned below the floor plane; and a common air intake 119 directing air from the interior of the mobile vehicle to the HVAC system. In addition, Gillick et al. '545 disclose the HVAC system further comprising a furnace and air-conditioning unit 118 wherein the furnace and air-conditioning unit are positioned below the floor plane.

Gillick et al. '545 do not disclose the mobile vehicle being a motorhome or the interior area specifically being an interior living area.

Schoenbachler et al. teach a HVAC system for a mobile vehicle or motor home with an interior living area. The HVAC system is positioned below the floor of the vehicle.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the hvac system of Gillick et al. '545 upon a motorhome as taught by Schoenbachler et al. in order to provide a convenient and comfortable atmosphere to occupants of the living area.

Gillick et al. '545, as modified, lack the common air intake comprising inner surfaces of a rear coach panel.

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Browne discloses a heating, ventilation, and air-conditioning (HVAC) system for a motor vehicle having an interior area enclosed by interconnected coach panels, the hvac system comprising: a furnace unit 16; a ventilating unit, generally 66, wherein the air-conditioning unit is positioned below the interior living area of the motorhome; and a common air intake 36 directing air from the interior area to the ventilating unit wherein the common air intake comprises inner surfaces of a rear coach panel and inner surfaces of interior trim panels 38. The rear coach panel and the interior trim panels defining a box structure of the air intake. The common air intake comprises the inner surfaces of the rear coach panels and inner surfaces of roof coach panels.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have composed the common air intake of Gillick et al. '545, as modified, of inner surfaces of a rear coach panel as taught by Browne in order to allow the common air intake to be positioned out of the way of the interior area thereby creating more lateral space and preventing unaesthetic ducts at the sides of the vehicle.

6. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillick et al. '545, as twice modified, and as applied to claims 1 and 9 above, and further in view of the well known prior art.

Gillick et al. '545, as twice modified, lack the hvac system further comprising a filter or filter assembly positioned within the air intake.

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The well known prior art teaches motor homes with hvac systems having filters and filter assemblies and further teaches providing filters within air intakes in order to clean and purify the air (thereby removing dust and dirt) prior to heating or cooling the air and exhausting the air to occupants of the vehicle (see Jackson 4,953,449, Warman et al. 4,531,453, and Geyer 4,724,748).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the hvac system of Gillick et al. '545, as twice modified, with a filter or filter assemblies as taught by the well known prior art within the air intake in order to clean and purify the air.

7. Claims 1, 3-10, and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillick et al. '473 in view of Schoenbachler et al. and Browne.

Gillick et al. '473 disclose a heating, ventilation, and air-conditioning (HVAC) system 36 (Figures 1-2) for a passenger vehicle having an interior area enclosed by interconnected coach panels 18, 19, the hvac system comprising: a furnace unit 37; an air-conditioning unit 38 wherein the furnace and the air-conditioning units are adapted to be positioned below the interior area of the vehicle (Column 7, lines 6-14); a common air intake 44 directing air from the interior area to the furnace and the air-conditioning units. Gillick et al. '473 disclose the system further comprising a single outlet duct 26 and at least one register 28a in communication with the outlet duct directing air from the hvac system into the interior area of the vehicle. Gillick et al. also disclose the coach panels 18, 19 comprising a plurality of vertical walls and a roof 20.

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For claim 9, Gillick et al. '473 disclose a passenger vehicle having structural panels 18, 19 and interior trim panels 23, 24, the vehicle comprising: a frame defining a floor plane 21; an HVAC system 36 wherein the majority of the weight of the HVAC system is positioned below the floor plane; and a common air intake 44 directing air from the interior of the vehicle to the HVAC system. Gillick et al. '473 also disclose the HVAC system further comprising a furnace and air-conditioning unit wherein the furnace and air-conditioning unit are positioned below the floor plane.

Gillick et al. '473 lack the passenger vehicle being a motorhome and further lack the interior area being an interior living area.

Gillick et al. '473 do not disclose the mobile vehicle being a motorhome or the interior area specifically being an interior living area.

Schoenbachler et al. teach a HVAC system for a mobile vehicle or motor home with an interior living area. The HVAC system is positioned below the floor of the vehicle.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the hvac system of Gillick et al. '473 upon a motorhome as taught by Schoenbachler et al. in order to provide a convenient and comfortable atmosphere to occupants of the living area.

Gillick et al. '473, as modified, lack the common air intake comprising inner surfaces of a rear coach panel.

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Browne discloses a heating, ventilation, and air-conditioning (HVAC) system for a motor vehicle having an interior area enclosed by interconnected coach panels, the hvac system comprising: a furnace unit 16; a ventilating unit, generally 66, wherein the air-conditioning unit is positioned below the interior living area of the motorhome; and a common air intake 36 directing air from the interior area to the ventilating unit wherein the common air intake comprises inner surfaces of a rear coach panel. The rear coach panel and the interior trim panels defining a box structure of the air intake. The common air intake comprises the inner surfaces of the rear coach panels and inner surfaces of roof coach panels.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have composed the common air intake of Gillick et al. '473, as modified, of inner surfaces of a rear coach panel as taught by Browne in order to allow the common air intake to be positioned out of the way of the interior area thereby creating more lateral space and preventing unaesthetic ducts at the sides of the vehicle.

Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication from the examiner should be directed to Hilary L. Gutman whose telephone number is (703) 305-0496.

11. **Any response to this final action should be mailed to:**

Box AF
Assistant Commissioner for Patents
Washington, D.C. 20231

or faxed to:

(703)305-3597, (for formal communications; please mark "EXPEDITED PROCEDURE")

or:

(703)305-0285, (for informal or draft communications, please clearly label "PROPOSED" or "DRAFT").

D. GLENN DAYAN
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313763